

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at KNOXVILLE

HARRY M. NIMMONS,

Petitioner,

V.

HOWARD CARLTON, Warden

Respondent.

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No. 3:05-cv-353

Phillips

JUDGMENT ORDER

In accordance with the accompanying Memorandum, the respondent's motion to dismiss is **GRANTED**. The petition for the writ of habeas corpus is **DENIED** and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is hereby **DENIED**.

ENTER:

s/ Thomas W. Phillips
United States District Judge